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RECEIVED
PHILIP MORRIS, INC.
LAW DEPT.-PATENT SECTION
MAR 5 1985
NOTED

JHB/JB/22152
25th February, 1985

Dear Sir,

German Patent Application No. P28 49 904.9
PM 706
Our File: 22152

Dr. Hach has reported an official action on the parent application in this case to FTR, and Mr. Mandiratta has asked us to consider the action and advise.

A number of people have been involved with this application over the past two years, and it is no longer clear where responsibility for policy decisions now lies. At Mr. Mandiratta's request, we are reporting the action to you in general terms, with a copy to Messrs. Fish & Neave, but the matter can be dealt with on this side of the Atlantic if neither PM Inc. nor Fish & Neave retain an interest.

From the enclosed translation of the action, you will see that the Examiner rejects claim 1 as anticipated by Bernhard and claims 2 to 12 as obvious thereover. A very small change of wording would clarify the claim on this point, since Bernhard's smaller section plug is essentially impervious, and the filter material lies in a narrow annulus round the periphery. Osmalov is also cited to show a mouth piece with an inlet for air.

Claims 10 to 12 are rejected as relating to a different invention, but this is essentially a formal problem arising from the fact that the filter of claim 10 is a sub-combination of the cigarette of claim 1. Mr. Mandiratta does not want to file a divisional application in this situation, and we agree.

The term for reply expires on 12th August 1985. If neither you nor Fish & Neave wish to become involved in further prosecution, Dr. Hach and ourselves will act to the instructions of FTR, who have been paying for the application for some time.

Yours faithfully,

c.c. W. Edward Bailey (Fish & Neave)

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